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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91196840
Party	Plaintiff JoseALugoSr.
Correspondence Address	Humberto Rubio, Jr. Rubio & Associates, P.A. 8950 SW 74 Ct., # 1804 Miami, FL 33156 UNITED STATES hrubio@rubiolegal.com
Submission	Motion for Default Judgment
Filer's Name	Humberto Rubio, Jr.
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Date	11/18/2010
Attachments	Motion for Default Judgment 11-18-10.pdf ( 2 pages )(61658 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 85006767  
For the mark: **LUGO'S**  
Published in the Official Gazette on: August 31, 2010

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<b>JOSE ANTONIO LUGO SR.</b>	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LUGOS</b>	)	
<b>Applicant.</b>	)	
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**Opposition No. 91196840**

**MOTION FOR DEFAULT JUDGMENT AGAINST APPLICANT**

Opposer, JOSE ANTONIO LUGO, SR., hereby motions the Board for entry of Default Judgment against Applicant, LUGOS for failure to file an Answer. This motion is made pursuant to 37 CFR § 2.114(a) and Fed. R. Civ. P. 55. Opposer filed its Notice of Opposition on October 8, 2010. The deadline for Applicant to file its Answer was November 17, 2010. No response or document has been filed by Applicant. Applicant is in default and Opposer is entitled to Default Judgment. Opposer respectfully requests that the Board issue default judgment sustaining the opposition and declaring Applicant's application refused and denied.

Respectfully submitted,

LAW FIRM OF RUBIO & ASSOCIATES, P.A.  
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/Humberto Rubio/  
Humberto Rubio, Jr., Esq.

## **CERTIFICATE OF MAILING AND SERVICE**

I certify that on November 18, 2010, the foregoing MOTION FOR DEFAULT JUDGMENT is being electronically transmitted to the Trademark Trial and Appeal Board, US Patent and Trademark Office, via the ESTTA filing system. It is further certified that on November 18, 2010, the foregoing MOTION FOR DEFAULT JUDGMENT is being served by mailing a copy thereof by first-class mail addressed to:

LUGOS  
Attn: Jose Lugo  
150 East 44 Street, 26a,  
New York, NY 10017

/Humberto Rubio/  
Humberto Rubio, Jr., Esq.